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State of Illinois
Pat Quinn, Governor



Illinois State Police
Donken, Director

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The Adam Walsh Child Protection and Safety Act

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Introduction

The Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248) is a federal act which was signed into law on July 27, 2006. Section 151 and 153 of the act require the U.S. Attorney General to ensure access to Federal Bureau of Investigation (FBI) national criminal history record information by (1) governmental social service agencies with child protection responsibilities, (2) child welfare agencies, and (3) public and private elementary and secondary schools and state and local educational agencies. Section 153 of the act is entitled the "Schools Safely Acquiring Faculty Excellence Act of 2006." Section 153(b) provides that the Attorney General shall, upon request of a state's chief executive officer, conduct fingerprint-based checks of national crime information databases (as defined in 28 U.S.C. Section 534) pursuant to requests submitted by child welfare agencies or by private schools or public elementary or secondary schools or local or state educational agencies for volunteer and employment screening.

In Illinois, public schools have historically been authorized to receive national criminal history record information from the FBI pursuant to the Illinois School Code. However, federal law has historically prohibited private entities from receiving such data. Private entities that work with children have long contended that access to national criminal history records is a critical component in making sound suitability determinations when screening employment applicants, contractors and volunteers who work with or around children. Former federal prohibitions have now been lifted making it possible for private schools and private child welfare organizations to receive national criminal history record information. Access is now possible pursuant to PL 109-248. In order to receive FBI national criminal history record information pursuant to the Adam Walsh Child Protection and Safety Act of 2006, authorized entities must adhere to specific state and federal guidelines. The information contained in this brochure is provided to assist authorized entities in understanding the basic elements of PL 109-248 and how this law has been implemented in Illinois.

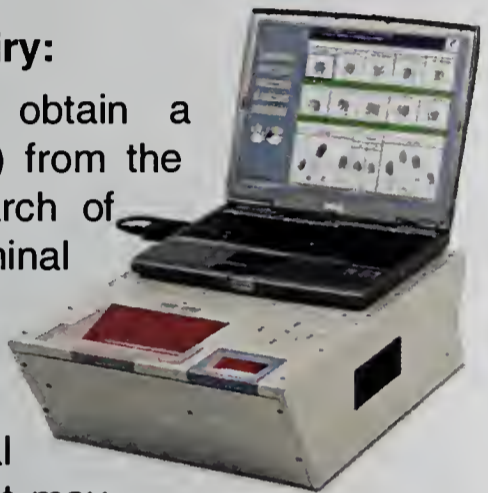
What is required:

Sign the AWA User's Agreement

- The qualified entity must sign a User's Agreement provided by the Illinois State Police (ISP), Bureau of Identification (BOI) prior to submitting any requests.
- The User's Agreement contains specific provisions governing the use of state and national criminal history record information which must be adhered to.
- Once the User's Agreement is executed, the qualified entity will be issued an organization identification number (ORI number). That number must be used when submitting the fingerprint based inquiries.

Fee Applicant Fingerprint Inquiry:

- The qualified entity must obtain a signed consent form (waiver) from the applicant authorizing a search of the ISP and FBI national criminal history record databases. In addition, the consent form must specifically authorize the release of any criminal history record information that may exist from any agency, organization, institution, or entity having such information on file regarding the applicant.
- All requests for State and FBI national criminal history record information must be fingerprint based and be submitted as a Fee Applicant fingerprint inquiry to the BOI electronically via live scan. Name based Adam Walsh Act checks are not permitted. To learn more about live scan, please access the ISP Internet Home Page at www.isp.state.il.us/crimhistory/livescan.cfm.
- All Adam Walsh Act submissions must be processed through the BOI. In addition, all submissions must designate a fingerprint-based search of both the Illinois State Police's and the FBI's criminal history record information databases. Requesting a search of the FBI's criminal history record information database only, is not permitted.
- A current list of commercial live scan fingerprinting vendors is available from the Illinois State Police upon request.
- Live scan machines can also be purchased from live scan equipment manufacturers. A list of live scan equipment manufacturers is also available upon request.



- Fee Applicant submissions must include the correct ISP assigned ORI number and appropriate three digit Purpose Code (AWA — for Adam Walsh Act employee applicant; or AWV — for Adam Walsh Act volunteer applicant) on all submissions forwarded to the ISP for processing.

Fees

- A draw down account must be established to facilitate the payment of fees unless a commercial live scan fingerprinting vendor is used to transmit the fingerprint submissions to the ISP. If a live scan vendor is used payment can be made to the vendor and ISP will collect the ISP and FBI processing fees by debiting the live scan vendor's draw down account. A monthly statement detailing all account activity will be provided to the account holder.

Type	Illinois Fee	FBI Fee	Total
Employee (AWA)	\$15.00	\$19.25	\$34.25
Volunteer (AWV)	\$15.00	\$15.25	\$30.25

Processing

- ISP and FBI criminal history record fingerprint based inquiries can be submitted for current and prospective employees of the qualified entity, as well as individuals such as volunteers and contractors who may have unsupervised access to children in a school or social service organization.

Responses

- All ISP and FBI criminal history responses will be forwarded to the qualifying entity, not the live scan vendor.
- An ISP response will provide any Illinois conviction information contained in the files of the Illinois State Police. An FBI response will provide conviction as well as any non-conviction information contained in the national criminal history record information database.
- ISP is prohibited from disseminating any juvenile criminal history record information unless the juvenile was tried and convicted as an adult.
- The qualified entity is required to provide the applicant a copy of their ISP and FBI criminal history record response upon request.
- The officials making the suitability determination is required to provide the applicants the opportunity to challenge the accuracy of the information contained in

their Illinois or FBI criminal record, per 28 CFR 16.34. Officials making the suitability determination should not make denials based on information contained in a criminal history record until the applicant has been afforded a reasonable time to challenge their record or has declined to do so.

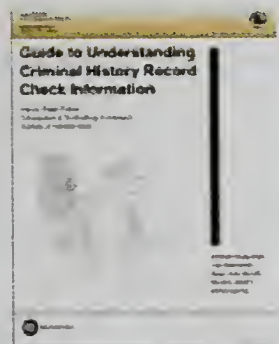
- Applicants should be advised that they can request to access and review their Illinois criminal history record if they believe it to be inaccurate or incomplete. Complete details regarding Illinois Access and Review and FBI review procedures can be obtained by accessing the ISP Internet Home Page at www.isp.state.il.us/crimhistory/viewingchircds.cfm.
- The BOI processes all Access and Review fingerprint submissions free of charge, however, local police departments may charge a nominal fee for completing and submitting the Access and Review form.

Dissemination and Security

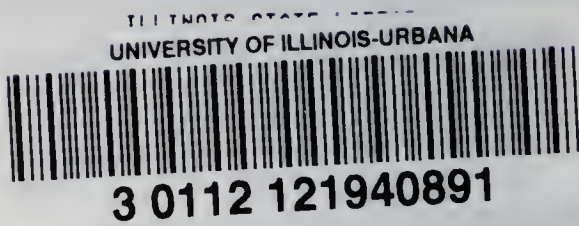
- Records obtained under the authority of the Adam Walsh Child Protection and Safety Act must be used solely for the purpose requested and cannot be disseminated outside of the receiving organization, related agencies, or other authorized entities. All secondary disseminations must be logged.
- Agencies and organizations receiving criminal history record information are required to secure such information and insure that it is not accessible to or disseminated to any unauthorized individuals.
- All qualified entities receiving ISP and FBI criminal history record information are subject to state and federal audits regarding the use, security and dissemination of such information.

Training

- Organizations seeking to obtain criminal history record information pursuant to the Adam Walsh Act are required to attend criminal history record information training sessions conducted by the Illinois State Police, Bureau of Identification. These sessions are generally half day training sessions conducted twice a year and include instruction regarding criminal history record processing procedures, how to interpret a rap sheet, available electronic response methods, an overview of new laws and proposed state and federal legislation that may affect access to criminal history record information, etc.



- The Guide to Understanding Criminal History Record Check Information can be obtained from the ISP web site at <http://www.isp.state.il.us/media/docdetails.cfm?DocID=508>.



**Questions regarding this information
or program may be addressed to:**

Illinois State Police
Division of Administration
Bureau of Identification
260 North Chicago Street
Joliet, Illinois 60432

Phone: (815) 740-5160

Fax: (815) 740-4401

E-mail:

boi_customer_support@isp.state.il.us.



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